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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,251	01/30/2006	Asterios Daios	22971	7060

535 7590 04/26/2006

THE FIRM OF KARL F ROSS

5676 RIVERDALE AVENUE

PO BOX 900

RIVERDALE (BRONX), NY 10471-0900

EXAMINER

O'HERN, BRENT T

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,251

Applicant(s)

DAIOS, ASTERIOS

Examiner

Brent T. O'Hern

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The **form and legal phraseology** often used in patent claims, such as "means" and "said," should be **avoided**. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The **reference numerals in parenthesis** shall be removed.

Claim Rejections - 35 USC § 112

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of **numbers in parenthesis** in claims 1-4 is vague and indefinite and confusing and shall be removed.

The use of **"its"** in claim 1, line 2 and throughout the claims is vague and indefinite and shall be amended and replaced with a different term(s), such as "said", "the", "comprising", etc., that is clear and definite and consistent with U.S. patent law language. It is unclear what terms "its" is modifying.

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The term **"loose"** in claims 1-4, lines 1-2 of all claims, and line 8 of claim 1 is a **relative** term which renders the claims indefinite. The term "loose" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear when an opening is loose and when it is not loose and what standard the openings should be based on.

The term **">>"** in claims 1, line 3, is a **relative** term which renders the claim indefinite. It is unclear how much greater "a" is than "b".

The phrase **"elongated to a value of up to 100%, uniformly across its length or locally"** in claim 1, line 5 is vague and indefinite since the applicant on page 3, line 5 of the specification defined elongation as between 0% and 100%, thus rendering this above phrase optional and not requiring elongation at all. Furthermore, it is unclear where "uniformly" and "locally" are located in relation to the film.

Claim 2 recites the limitations **"the elongated zone"** and **"folded stripe"** in lines 3 and 5, respectively. There is insufficient antecedent basis for these limitation in the claim.

The phrase **"preferably the tip ... plastic film"** in claim 4, lines 8-9 is vague and indefinite because it is unclear whether or not this limitation is required. The Examiner is interpreting this language as optional and thus not limiting the scope of the claim.

Clarification and/or correction is required.

Examiner's Comment

3. The claims are replete with errors and appear to be a direct translation from a foreign language thus rendering the claims confusing. The applicant is advised to carefully review the claims and make amendments where necessary to comport with U.S. patent law claim terminology.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 103

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kesinger (US 3,698,131) in view of Stillman et al. (US 3,285,497).

Kesinger ('131) teaches a plastic film for coverage (*col. 2, l. 42 and FIG-3 wherein the polyester plastic film #20 covers plant #22*) with openings for weight insertion at the edges (*See FIG-3 and col. 3, ll. 47-50 wherein pockets #33 have openings at the top wherein soil or weight is added to retain the film.*) of any length and width wherein the length is longer than the width (*See FIGs 3 and 4 wherein the lengths, #62 and #68, are clearly longer than the width of the narrow edge*) with hopper shaped openings for weight insertion vaults (*See FIG-3 and col. 3, ll. 47-50 hoppers for weight insertion vaults, pockets, #33 at the edges.*) with elongated lengths up to 100% (*See FIG-4 wherein the lengths #62 and #68 are clearly elongated between 0 and 100% and page 3, line 5 of Applicant's specification wherein Applicant defines elongation to include 0%, no elongation, thus making elongation optional.*), with hopper shaped openings formed for weight insertion into the weight storage vaults (*See FIG-3, wherein pockets #33 have hopper shaped openings for dirt or weights.*), and

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weldings are at a distance from each other (*See col. 3, ll. 47-51 wherein the weldings can be along one or both sides of the cover, thus separated from each other.*) and

non-welded openings along the plastic film with a length (*See FIG-3, wherein pockets #33 have non-welded openings at the top*), however, fails to expressly teach openings that are folded and welded to the main body of the film with consecutive lengthways umbrella weldings.

However, Stillman ('497) teaches openings ("pockets") that are folded and welded to the main body of the film with consecutive lengthways weldings (*col. 5, ll. 48-55*) for the purpose of receiving various materials (*col. 5, l. 55*). Furthermore, Kesinger ('131) teaches folded welded plastic pockets in column 2, lines 46-49 and FIG-2, pocket #10 with fold #14 and weld lines #16. Thus, it would have been obvious to one having ordinary skill in the art that Kesinger's ('131) pocket would be welded as taught by Stillman ('497) since both materials are weldable and Stillman ('497) teaches that welded pockets are well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to use the folded welded pockets with various welding configurations as taught by Stillman ('497) in order to provide Kesinger ('131) with a product as described above since Kesinger ('131) and Stillman ('497) are both directed to plastic films with pockets.

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Conclusion

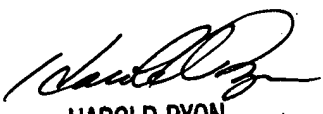
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free):

BTO
Brent T O'Hern
Examiner
Art Unit 1772
April 24, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/24/06